

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**KATHALEEN BURNETT,**

**Plaintiff,**

**VS.**

**NAGL MANUFACTURING,  
RICHARD KEETEN, NORMAN  
FREDRICKSON and JUNE JONES,**

## Defendants.

**8:05CV109**

## ORDER

This matter is before the magistrate judge pursuant to the consent of the parties. Plaintiff is proceeding without counsel. The defendants are represented by counsel.

On June 13, 2005, the parties were sent a letter advising them of their obligation to meet and confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. They were to provide a completed planning report to the court on or before July 18, 2005; however, plaintiff apparently objects to discovery being conducted and the parties could not agree on a proposed discovery plan. Consequently, the following motions have been filed:

- 19 Plaintiff's Motion for Subpoena of NEOC File  
20 Plaintiff's Objection to defendant's proposed discovery schedule and to  
proceed immediately to trial  
21 Defendants' Objection to Filing 20  
27 Defendants' Motion to strike Filing 25 and request for in-person  
conference  
28 Plaintiff's Motion to Proceed with Trial

The plaintiff is advised that, under the Federal Rules of Civil Procedure, the defendants are entitled to conduct discovery, and this matter will not be set for trial until discovery has been completed. Furthermore, the Rules provide that no discovery can be conducted until the parties have conferred pursuant to Fed. R. Civ. P. 26(f). Thus, plaintiffs Motions Nos. 19, 20, and 28 must be denied and defendants' Objection No. 21 will be granted.

The court finds that the parties' request for an in-person conference (No. 27) should be granted. At that time, the court will determine whether and when the parties' pleadings

will be amended, what kinds of discovery will be necessary, and how long it will take to complete discovery. A trial setting will be determined based on those factors.

**IT IS ORDERED:**

1. Plaintiff's Motion for Subpoena of NEOC File (Filing 19) is denied.
2. Plaintiff's Objection to defendant's proposed discovery schedule and to proceed immediately to trial (Filing 20) is denied.
3. Defendants' Objection to Filing 20 (Filing 21) is sustained.
4. Plaintiff's Motion to Proceed with Trial (Filing 28) is denied.
5. Defendants' Motion to strike Filing 25 and request for in-person conference (#27) is granted, in part.
  - a. Filing 25 will not be stricken, but will not be construed as an amendment to the complaint. Plaintiff will be given the opportunity to file an amended complaint after the parties' in-person conference before the undersigned.
  - b. A conference will be held on **Monday, August 22, 2005, at 10:00 a.m.** in Courtroom No. 6, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska for the purpose of setting a discovery schedule and progressing the case to trial. **Plaintiff and defense counsel are required to personally attend the conference.**

**DATED August 2, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**